

direct statements of respondent's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counter-claims as appropriate. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

§ 703.107 Amendments of pleadings or record.

(a) The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer.

(b) The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend its pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings, it may be admitted within the proper scope of the appeal, provided, however, that the objecting party may be granted a continuance if necessary to enable that party to meet such evidence.

§ 703.108 Hearing election.

Upon receipt of respondent's answer or the notice referred to in the last sentence of § 703.106(b), appellant shall advise whether a hearing is desired as prescribed in §§ 703.117 through 703.125, or whether, in the alternative, the case will be submitted on the record without a hearing, as prescribed in § 703.111. In appropriate cases, the appellant may also elect the optional accelerated procedure prescribed in § 703.112.

§ 703.109 Prehearing briefs.

Based on an examination of the pleadings, and a determination of

whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may, in its discretion, require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to § 703.108. In the absence of a Board requirement therefor, either party may, in its discretion and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

§ 703.110 Prehearing or presubmission conference.

(a) Whether the case is to be submitted pursuant to § 703.111 or heard pursuant to §§ 703.117 through 703.126, the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before the Board or an Administrative Judge thereof for a conference to consider:

(1) The simplification or clarification of the issues;

(2) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(4) The possibility of agreement disposing of all or any of the issues in dispute;

(5) The scope of testimony, including a possible request by the Board for the introduction of any fact or expert testimony desired; and

(6) Such other matters as may aid in the disposition of the appeal.

(b) A transcript of the conference shall be made and a copy shall be available for public inspection. Following the conference, the Board may enter an order setting forth the results of the conference which shall thereafter constitute a part of the record.